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Notice of Allowability	Application No.	Applicant(s)	
	10/618,897	FRAZIER ET AL.	
	Examiner	Art Unit	
	(Jackie) Tan-Uyen T. Ho	3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/14/03.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 14 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>herewith</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>10/22/03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Tim Headley on 4/11/05.

The application has been amended as follows:

Replace the abstract with the new abstract as follow:

--A method for surgically restoring a coronary artery having an atheroma, to more normal structure by making an arteriotomy incision over the length of the atheroma, extracting plaque, inserting stent into the coronary artery at the incision and closing the coronary artery over the stent with sutures. An extravascular drug delivery material is applied over the stent implantation site to inhibit thrombosis and smooth muscle cell proliferation. --

Claim 1,

- Line 5, delete "opened"
- Line 6, after "artery" insert "--at the incision--".

Claim 2,

- Line 3, delete "coronary artery"
- Line 5, after "spreading" delete "the"

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- Line 8, delete "opened"
- Line 9, after "artery" insert --at the incision--.

Claim 3,

- Line 3, delete "coronary artery"
- Line 5, after "spreading" delete "the"
- Line 6, after "separating" replace "the" with --atherosclerotic-- and after "from" replace "the" with --a--.
- Line 10, delete "opened"
- Line 11, after "artery" insert --at the incision--.

Claim 4,

- Line 3, delete "coronary artery"
- Line 5, after "spreading" delete "the"
- Line 6, after "separating" replace "the" with --atherosclerotic-- and after "from" replace "the" with --a--
- Line 10, delete "opened"
- Line 11, after "artery" insert --at the incision--.
- Lines 13 and 14, replace "the stent implantation site" with --the site at the stent inserted--.

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance: Claims 1-6 are allowed because the prior art fails to disclose a method for surgically restoring a

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coronary artery having an atheroma, to more normal structure comprising the steps of making an arteriotomy incision over the length of the atheroma, extracting plaque, inserting stent into the coronary artery at the incision and closing the coronary artery over the stent with sutures.

Knudson et al. disclose making an incision over a length of coronary artery, placing a stent into the coronary artery at the incision and closing the coronary artery over the stent with sutures. However, Knudson et al. fail to disclose or suggest the steps of making an arteriotomy incision over the length of the atheroma and extracting atherosclerotic plaque from the coronary artery.

Plaia et al. disclose a method of extracting the plaque from vessel but fail to disclose or suggest a method for surgically restoring a coronary artery having an atheroma, to more normal structure comprising the steps of making an arteriotomy incision over the length of the atheroma and closing the coronary artery over a stent with sutures.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Jackie) Tan-Uyen T. Ho whose telephone number is 571-272-4696. The examiner can normally be reached on MULTIFLEX Mon. to Sat..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANHTUAN NGUYEN can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


(Jackie) Tan-Uyen T. Ho
Patent Examiner
Art Unit 3731

April 11, 2005